

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 245 Session of
1995INTRODUCED BY BELL, ARMSTRONG, BAKER, CORMAN, DELP, HOLL,
LaVALLE, STAPLETON AND STOUT, JANUARY 23, 1995

AS AMENDED ON THIRD CONSIDERATION, MAY 2, 1995

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, increasing the maximum speed limit on certain
3 interstate and other highways; and further providing for the
4 use of speed timing devices.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 102 of Title 75 of the Pennsylvania
8 Consolidated Statutes is amended by adding a definition to read:
9 § 102. Definitions.

10 Subject to additional definitions contained in subsequent
11 provisions of this title which are applicable to specific
12 provisions of this title, the following words and phrases when
13 used in this title shall have, unless the context clearly
14 indicates otherwise, the meanings given to them in this section:

15 * * *

16 "Interstate highway." A freeway on the Dwight D. Eisenhower
17 System of Interstate and Defense Highways.

18 * * *

Section 2. Sections 3362, 3363 and 3368(c) of Title 75 are amended to read:

§ 3362. Maximum speed limits.

(a) General rule.--Except when a special hazard exists that requires lower speed for compliance with section 3361 (relating to driving vehicle at safe speed), the limits specified in this [subsection] section or established under this subchapter shall be maximum lawful speeds and no person shall drive a vehicle at a speed in excess of the following maximum limits:

(1) 35 miles per hour in any urban district.

(1.1) 65 miles per hour:

(i) on interstate highways outside of urbanized areas of population of 50,000 or more; and

(ii) on other freeways where the department has posted a 65-miles-per-hour speed limit in accordance with the provisions of 23 U.S.C. (relating to highways).

(2) 55 miles per hour in other locations.

(3) Any other maximum speed limit established under this subchapter.

(b) Posting of speed limit.--

(1) No maximum speed limit established under subsection (a)(1) or (3) shall be effective unless posted on fixed or variable official traffic-control devices erected in accordance with regulations adopted by the department which regulations shall require posting at the beginning and end of each speed zone and at intervals not greater than one-half mile.

(2) No maximum speed limit established under subsection (a)(1.1) shall be effective unless posted on fixed or variable official traffic-control devices erected after each

interchange on the portion of highway on which the speed limit is in effect and wherever else the department shall determine.

(c) Report required.--When a speed limit in excess of 55 miles per hour is established on an interstate highway, the department shall report to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives on the effect of the increased speed limit. The report shall be submitted a reasonable time after the increased speed limit has been in effect for at least one year. The report shall include an in-depth evaluation, with statistical and other relevant data, of the enforcement of the increased speed limit and the incidents of accidents and deaths as a result of the increased speed limit.

~~[(c)] (d) Penalty. Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of [\$35.] \$50 for violating a maximum speed limit of 65 miles per hour or a fine of \$35 for violating any other maximum speed limit. Any person exceeding the maximum~~

~~[(C)] (D) PENALTY.--~~

(1) ANY PERSON VIOLATING THIS SECTION IS GUILTY OF A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF [\$35.]:

(I) \$40, PLUS A SURCHARGE OF \$10 PAYABLE TO THE STATE TREASURER FOR DEPOSIT INTO THE EMERGENCY MEDICAL SERVICES OPERATING FUND, FOR VIOLATING A MAXIMUM SPEED LIMIT OF 65 MILES PER HOUR; OR

(II) \$35 FOR VIOLATING ANY OTHER MAXIMUM SPEED LIMIT.

(2) ANY PERSON EXCEEDING THE MAXIMUM speed limit by more

1 than five miles per hour shall pay an additional fine of \$2 per
2 mile for each mile in excess of five miles per hour over the
3 maximum speed limit.

4 § 3363. Alteration of maximum limits.

5 The department or local authorities on highways under their
6 respective jurisdictions, upon the basis of an engineering and
7 traffic investigation, may determine that the maximum speed
8 permitted under this subchapter is greater or less than is
9 reasonable and safe under the conditions found to exist upon any
10 such highway or part thereof and establish a reasonable and safe
11 maximum limit. The maximum speed limit may be made effective at
12 all times or at times indicated and may vary for different
13 weather conditions and other factors bearing on safe speeds. No
14 maximum speed greater than 55 miles per hour shall be
15 established under this section except on interstate highways
16 outside of urbanized areas of population of 50,000 or more where
17 the maximum speed shall not be greater than 65 miles per hour.

18 § 3368. Speed timing devices.

19 * * *

20 (c) Mechanical, electrical and electronic devices
21 authorized.--

22 (1) Except as otherwise provided in this section, the
23 rate of speed of any vehicle may be timed on any highway by a
24 police officer using a mechanical or electrical speed timing
25 device.

26 (2) Except as otherwise provided in paragraph (3),
27 electronic devices such as radio-microwave devices (commonly
28 referred to as electronic speed meters or radar) may be used
29 only by members of the Pennsylvania State Police.

30 (3) Electronic devices which calculate speed by

1 measuring elapsed time between measured road surface points
2 by using two sensors and devices which measure and calculate
3 the average speed of a vehicle between any two points may be
4 used by any police officer.

5 (4) No person may be convicted upon evidence obtained
6 through the use of devices authorized by paragraphs (2) and
7 (3) unless the speed recorded is [six] four or more miles per
8 hour in excess of the legal speed limit. Furthermore, no
9 person may be convicted upon evidence obtained through the
10 use of devices authorized by paragraph (3) in an area where
11 the legal speed limit is less than 55 miles per hour if the
12 speed recorded is less than ten miles per hour in excess of
13 the legal speed limit. This paragraph shall not apply to
14 evidence obtained through the use of devices authorized by
15 paragraph (3) within a school zone.

16 * * *

17 Section 3. Section 6110(a) of Title 75 is amended and the
18 section is amended by adding a subsection to read:

19 § 6110. Regulation of traffic on Pennsylvania Turnpike.

20 (a) General rule.--The provisions of this title apply upon
21 any turnpike or highway under the supervision and control of the
22 Pennsylvania Turnpike Commission unless specifically modified by
23 rules and regulations promulgated by the commission which shall
24 become effective only upon publication in accordance with law. A
25 copy of the rules and regulations, so long as they are
26 effective, shall be posted at all entrances to the turnpike or
27 highway for the inspection of persons using the turnpike or
28 highway. This section does not authorize the establishment of a
29 maximum speed limit greater than 55 miles per hour[.], except
30 that a 65-miles-per-hour maximum speed limit shall be

1 established:

2 (1) on interstate highways outside of urbanized areas of
3 population of 50,000 or more; and

4 (2) on other freeways where the commission has posted a
5 65-miles-per-hour speed limit in accordance with the
6 provisions of 23 United States Code (relating to highways).

7 (a.1) Posting.--No maximum speed limit established under
8 subsection (a)(1) or (2) shall be effective unless posted on
9 fixed or variable official traffic-control devices erected after
10 each interchange on the portion of highway on which the speed
11 limit is in effect and wherever else the commission shall
12 determine.

13 * * *

14 Section 4. This act shall take effect in ~~60~~ 90 days.

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